

Edward T. Buckingham
CNMI Assistant Attorney General
OFFICE OF THE ATTORNEY GENERAL
Commonwealth of the Northern Mariana Islands
2nd Floor, Hon. Juan A. Sablan Memorial Bldg.
Caller Box 10007, Saipan, MP 96950
Tel: (670) 664-2361
Fax: (670) 234-7016

Attorneys for the Commonwealth of the
Northern Mariana Islands Defendants

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF THE NORTHERN MARIANA ISLANDS**

| | | |
|---------------------------|---|--------------------------------|
| UNITED STATES OF AMERICA, |) | CIVIL ACTION NO. CV 99-0017 |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| COMMONWEALTH OF THE |) | QUARTERLY STATUS REPORT |
| NORTHERN MARIANA ISLANDS, |) | FOR THE PERIOD ENDING |
| GOVERNOR OF THE NORTHERN |) | October 1, 2008 |
| MARIANA ISLANDS, |) | |
| COMMISSIONER OF THE |) | |
| DEPARTMENT OF PUBLIC |) | |
| SAFETY, SECRETARY OF THE |) | |
| DEPARTMENT OF LABOR AND |) | |
| IMMIGRATION, SECRETARY OF |) | |
| THE DEPARTMENT OF |) | |
| COMMUNITY AND CULTURAL |) | |
| AFFAIRS, |) | |
| |) | |
| Defendants. |) | |
| |) | |

[1] The Consent Decree requires the Defendants to periodically transmit status reports. The Court Order of March 26, 2003 specified that status reports be filed, beginning on July 1, 2003 on a quarterly basis. Quarterly reports for the period ending July 1, 2003, October 1, 2003, January 1, 2004, May 1, 2004, July 1, 2004, October 1, 2004, January 1, 2005, April 1, 2005, July 1, 2005, October 1, 2005, January 1, 2006, April 1, 2006, July 1, 2006, October 1, 2006,

January 1, 2007, April 1, 2007, July 1, 2007, October 1, 2007, January 1, 2008, April 1, 2008, and July 1, 2008 were timely filed.

[2] The Consent Decree was executed on February 25, 1999. Following a period of nearly four years, the parties reviewed the status of the Consent Decree. Concerns arose about the focus and reporting of compliance efforts. To address these concerns and improve future performance, the Commonwealth proposed a change in reporting from reporting once every six months to once per quarter.

[3] During this reporting period¹, DOJ Senior Trial Attorney Laura L. Coon, DOJ Investigator Jeff Murray, DOJ Expert Steve Martin, and DOJ Expert Bill Wamsley conducted on-site inspections of the Adult Correctional Facility, the Kagman Juvenile Facility, the Tinian Detention Facility, and the Rota Detention Facility.

[4] All parties acknowledged substantial progress and improvement in each of the facilities governed by the Consent Decree. Prior to and during the site visit, the Commonwealth provided DOJ representatives free access to all facilities and staff and access to business records maintained at each facility. So that DOJ experts could further review the facilities the Commonwealth also transmitted to DOJ substantial information in hard copy form.

[5] A number of action items were identified for each of the four facilities. These are attached hereto and incorporated by reference. The Commonwealth and DOJ have agreed to monitor progress on these items on an ongoing basis with documentation of progress / completion exchanged during the next quarter. If, as hoped, compliance in all action item areas is achieved the Commonwealth will submit a full report, including documentation of action item completion for this Honorable Court's review.

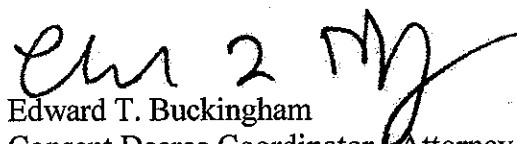
[6] Subject to completion of necessary improvements, the parties intend to submit to this Honorable Court a proposal to close the Consent Decree. While the date of such submission

¹ DOJ representatives were on-island from August 28, 2008 through September 5, 2008. An additional tour of the Kagman Juvenile Detention Unit was conducted by Chief Judge Alex R. Munson.

depends on actions not yet completed, it is hoped this may be achieved on or before mid-January, 2009.

DATED: October 2, 2008

Respectfully submitted,

A handwritten signature in black ink, appearing to read "E.T. Buckingham", written over the printed name.

Edward T. Buckingham

Consent Decree Coordinator / Attorney for Defendants

Adult Correctional Facility

- Intake
 - Continue existing close observation on intake.
 - Develop protocols dealing with highly intoxicated / suicide risk cases.
 - Provide intake staff training from MD so intake may occur without health care professional on site
 - Establish clear policy when to deny entry and take immediately to CHC (e.g., open wound)
- Medical
 - Continue August 7, 2006 Memorandum of Agreement between Department of Public Health and Department of Corrections
 - Conduct health assessment within 2 weeks by health care professional
 - Assign nurse support for physician to ensure coverage 5 days per week on site and weekend on call
 - Confirm utilization of appropriate medical diets
 - Maintain adequate on-site medical equipment, supplies, and routine medications
- Classification
 - Develop written criteria to become trustee that include both exclusionary and affirmative factors
 - Review escape factor with override potential. Decide whether / when escape is remote enough to either count with less value or not a factor
- Disciplinary
 - Ensure at least minimal due process (e.g., inmate permitted to appear and make statement) when punishment may include 30+ days of isolation
 - Review disciplinary system to consider no imposition of isolation in category 1 cases with less due process (e.g., approval sanction by designated officer level)
- Sanitation
 - Develop / update housekeeping, maintenance, and preventive maintenance policy for new facility
- Fire Safety
 - Monitor and report on new fire system / work out system "bugs"
 - Adopt appropriate policy regarding maintenance of smoke detectors near showers to reduce false alarms
 - Maintain logs of fire extinguisher inspections / inspection tags
 - Continue SCBA training at rate of 6-months for designated staff
- Officer Training
- Generator
 - Establish back-up power source to existing facility generator
 - Acceptable: agreement between Executive and Judiciary including plan and technical specifications
 - Alternative: develop alternate back-up system

Tinian Detention Facility

- Maintain use of facility for maximum of 48 hours detention except in exigent circumstances
- Adopt policy for high-risk cases
 - Use first cell with continuous officer observation
 - Adopt / Maintain logbook recording officer observations
 - Eliminate first cell hanging points on ceiling and window
 - Ensure 15-minute direct observation in high-risk / severely intoxicated cases
- For other cells, eliminate hanging points on window
- Special management case transport
 - Obtain waist/belly chains for transport of special management cases
 - Develop policy and procedure
 - Train staff
- Remove kitchen smoke detectors to remove false alarms
- Key management
 - (Best) Single master key OR
 - Train each officer to open locks with eyes closed (for fire management)
- Fire suppression equipment
 - Ensure current inspections
 - Obtain and install inspection tags
- Move small LP gas canisters away from cooking area

Rota Detention Facility

- Maintain use of facility for maximum of 48 hours detention except in exigent circumstances
- Adopt policy for high-risk cases
 - Continue use of activity log
 - Maintain continuous officer observation practice
 - Maintain use of dedicated cell for high-risk / intoxicated cases
 - Eliminate cell hanging points on ceiling
 - Ensure 15-minute direct observation in high-risk / severely intoxicated cases
- Adopt written policy to require pat down of detainees at the detention facility.
- Install door lock for Cell 4
- Maintain on-site adequate supply of replacement batteries for smoke detectors
- Repair / replace fuel gauge on back-up generator
- Install back-up fire extinguisher on site
- Adopt policy regarding key management
 - Ensure staff training on use in smoke-filled environment

Kagman Juvenile Detention Unit

- Complete Deficiency Assessment and Action Plan
- Memorandum between DCCA and DOC = DONE / SIGNED
- Make Decision: RSAT or Remain at Kagman = DONE. REMAIN AT KAGMAN
- Stabilize Kagman Juvenile Detention Unit
 - Implement staff support / temporary DOC transfers sufficient to provide interim stabilization and support to JDU
 - Establish stable / safe environment for residents and staff
 - Repair cameras / locks
 - Inspect Unit B and make temporary repairs sufficient to temporarily house residents
 - Transfer residents to Housing Unit B
 - Repair Unit A
 - Return residents to Housing Unit A
 - Complete Repairs on Unit B
- Establish / maintain appropriate facility operations
 - SOPs
 - Staff training
 - Incident management / reporting / follow-up
- Rededicate Facility